

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 5680	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/000086	International filing date (<i>day/month/year</i>) 07 January 2005 (07.01.2005)	Priority date (<i>day/month/year</i>) 08 January 2004 (08.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant SiXT, Bernhard			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 03 October 2006 (03.10.2006) Authorized officer <div style="text-align: right; font-weight: bold;">Yolaine Cussac</div> e-mail: pt11@wipo.int
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**
(day/month/year)

Applicant's or agent's file reference
5680

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/000086

International filing date (day/month/year)
07.01.2005

Priority date (day/month/year)
08.01.2004

International Patent Classification (IPC) or both national classification and IPC
F25D3/08, A61J1/16, A01N1/02, B01L11/02, B65D81/38

Applicant
SIXT, Bernhard

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-33	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-33	NO
Industrial applicability (IA)	Claims	1-33	YES
	Claims		NO
2. Citations and explanations:			
<p>1. In the present opinion, reference is made to the following documents:</p> <p>D1: FR 2 840 289 A (CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE CNRS) 5 December 2003 (2003-12-05)</p> <p>D2: US 5 934 099 A (COOK ET AL) 10 August 1999 (1999-08-10)</p> <p>D3: US 5 355 684 A (GUICE ET AL) 18 October 1994 (1994-10-18)</p> <p>D4: GB 1 004 791 A (SALTERPAK LIMITED) 15 September 1965 (1965-09-15)</p>			
<p>2 INDEPENDENT CLAIM 1</p> <p>The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).</p> <p>Document D1 discloses (the references between parentheses refer to this document):</p> <p>Transport container for keeping frozen material (2) chilled, in particular frozen biological tissue samples or cell cultures, having an insulator (3) which encloses an insulated chamber, having an inner container (4, 5) which is removably arranged in the insulated chamber and which accommodates the frozen material (2) in a chamber (6), and having a coolant</p>			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

giving off cold by phase transition, at least one chilling chamber (6) being provided for the material (2), and at least one coolant chamber (page 6, lines 1-6) separate from the chilling chamber (6) being provided, a coolant having a solid/liquid phase transition in the temperature range from -15°C to -100°C being provided (page 7, line 10 - page 8, line 4).

Although in D1 only an insulator (3) is described having a coefficient of thermal conductivity $\lambda = 0.027 \text{ W/m K}$ (page 9, line 2) and not, for instance, a superinsulator having a coefficient of thermal conductivity $\lambda \leq 0.01 \text{ W/m K}$, it is generally known to a person skilled in the art to employ superinsulators in transport containers (cf., for example, also D3 (column 9, line 66 - column 10, line 7)).

The subject matter of claim 1 therefore does not involve an inventive step within the meaning of PCT Article 33(3).

3 DEPENDENT CLAIMS 2-33

Claims 2-33 do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for inventive step. The reasons for this are the following:

The additional features of claims 2-33 are only minor structural modifications of the transport container of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable.

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
4	The subject matter of the present claims 1-33 is industrially applicable.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Figure 5 is missing.